**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE ANTONY DOMINIC**

**TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929**

**WP(C).No. 25108 of 2007(L)**
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**PETITIONER:**
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**P.JAYAKUMAR, S/O.P.V.PAULOSE,**
**AGED 42 YEARS, PUTHETHU HOUSE,OONNUKAL P.O.,**
**KUTTAMANGALAM VILLAGE, KOTHAMANGALAM TALUK,**
**ERNAKULAM DISTRICT.**

**BY ADV. SRI.K.BALACHANDRAN (PN)**

**RESPONDENTS:**
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**1. THE SUB-REGIONAL TRANSPORT OFFICER,**
**KOTHAMANGALAM, ERNAKULAM DISTRICT.**

**2. THE RANGE OFFICER, BEGUR FOREST RANGE,**
**MANANTHAVADI, WAYANAD DISTRICT.**

**3. THE DIVISIONAL FOREST OFFICER,**
**MANANTHAVADI, WAYANAD DISTRICT.**

**BY SPL.GOVERNMENT PLEADER FOR FOREST**
**SRI.RENJITH THAMPAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**ANTONY DOMINIC, J.**
**==========**
**W.P.(C) NO. 25108 OF 2007**
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**Dated this the 18th day of September, 2007**

**J U D G M E N T**

The complaint of the petitioner is that the tax in respect of KL-3/D/3253, a lorry belonging to him is not accepted by the respondents and the fitness certificate is not issued. It is the case of the petitioner that of the three lorries that he own, this particular lorry is not involved in any forest or other offence and therefore there is no justification in not accepting tax or issuing fitness certificate.

2. Special Government Pleader appearing on behalf of the 2nd respondent submits that this lorry is involved in OR No.1/06 of Begur Forest Range, Mananthavady, Waynad District and it is on their instruction that the tax is not accepted and the fitness certificate is not issued.

3. Even if a vehicle is involved in a forest offence, that should not prevent the owner from remitting the tax or

the authorities to issue the fitness certificate. Therefore, the authorities shall accept the tax and after completing the procedural formalities. If the vehicle is certified to be fit, the certificate shall also be issued. However the authorities, are entitled to take such action as is warranted in law or against the vehicle in respect of OR No.1/06.

Writ petition is disposed of as above.

**ANTONY DOMINIC, JUDGE.**

Rp